

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TERESA ANNE SCOTT,</b>	:	<b>CIVIL ACTION NO. 1:02-CV-1586</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>PAMELA WELLINGTON</b>	:	
<b>LACKEY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 5th day of May, 2005, upon consideration of defendant's motion (Doc. 193) to strike jury demand, and of plaintiff's motion (Doc. 198) for a jury trial, in which pro se plaintiff avers that a jury trial was demanded in December 2002, see FED. R. CIV. P. 39(b) ("[N]otwithstanding the failure of a party to demand a jury in an action in which such a demand might have been made of right, the court in its discretion upon motion may order a trial by a jury of any or all issues."); see also Dluhos v. Strasberg, 321 F.3d 365, 369 (3d Cir. 2003) (stating that court should liberally construe pro se filings), and it appearing that defendant will not be prejudiced by a jury trial, that the first and second amended complaints set forth demands for a jury trial (see Docs. 44 at 51; Doc. 160 at 46), that the docket sheet in this case reflects that trial will be by jury, and that the initial case management order set forth deadlines for proposed voir dire and jury instructions (see Doc. 37), it is hereby ORDERED that:

1. The motion for jury trial (Doc. 198) is GRANTED. See FED. R. CIV. P. 39(b). Trial in this case shall be by jury.
2. The motion to strike jury demand (Doc. 193) is DENIED. Cf. In re City of Phila. Litig., 158 F.3d 723, 727 (3d Cir. 1998) (“[A] party should not be permitted to silently acquiesce in a trial court’s plan to try an issue non-jury by failing to make a timely objection. . . .”).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge